IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SEVENTEENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 5340 of 2005

Between:

1 A. karunakara Reddy, S/o. Raghavareddy,
R/o. Katakaraja Street, Gudur.
2 M. Shanmukham, s/o. Manikya Chari,
R/o. 12/84, Kaakaraju St. Gudur, Nellore District.

..... PETITIONERS

AND

1 Govt of A.P., rep. by Commissioner, Proh & Excise Dept., Excise Bldgs,
Nampally Road, Hyderabad.
2 The Supt., Proh & Excise Dept., Nellore District, Nellore-524 001.
3 M/s. Venkata Sai Bar & Restaurant, rep. by its Licensee A Raghuramaiah,
S/o. Penchalaiah R/o. 12/82,, Katakaraja St, Gudur, Nellore District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to Issue an appropriate Writ order or direction more particularly in the nature of Writ of Mandamus declaring the impugned proceedings bearing Cr. No.22348/2004/CPE/G2 dt. 1.1.2005 of the 1st respondents herein granting permission to the 3rd respondent herein to establish Bar & Restaurant at Door No.12-82, Katakaraju Street Gudur as arbitrary illegal and violative of rule 29(1) (ii) of A.P. Indian Liquor and Foreign Liquor rules 1970 apart from the gross vioaltion of principles laid down in decided cases and consequently direct the respondents 1 & 2 herein to reconsider the issue in the light of the numerous complaints of the residents of Katakaraju Street Gudur and pass such other orders as may be deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.SAI GANGADHAR CHAMARTY

Counsel for the Respondent Nos. 1 & 2: GP FOR PROHIBITION & EXCISE

The Court at the stage of admission made the following :

***ORAL ORDER*:**

Heard both sides. Perused the material placed before me.

Petitioners, being local persons, are challenging the action of the first respondent in issuing IL 17 licence to the third respondent to establish a bar and restaurant in a residential locality.

It is the contention of the learned counsel for the petitioners that in spite of numerous complaints given by the local people, the first respondent issued IL 17 licence to the third respondent to establish bar and restaurant in the residential locality.

Under those circumstances, the writ petition is disposed of at the stage of admission reserving liberty to the petitioners to submit a representation to the first respondent ventilating their grievance and upon any such representation being made by the petitioners, the first respondent shall consider the same in accordance with law, as expeditiously as possible. No costs.

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kvsn 17-03-2005

To

1 Govt of A.P., rep. by Commissioner, Proh & Excise Dept., Excise Bldgs, Nampally Road, Hyderabad.

2 The Supt., Proh & Excise Dept., Nellore District, Nellore-524 001.

3 Two CCs to GP for Proh. & Excise, High Court buildings, Hyderabad.

4 Two CD copies.